

## NOTICE OF INTENT

Department of Environmental Quality  
Office of Environmental Assessment  
Environmental Planning Division

Reclassification of New Iberia Southern Drainage Canal and Its Ancillary Waters  
(LAC 33:IX.1123.Table 3) (WQ056)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.1123.Table 3 (Log #WQ056).

This rule reclassifies the New Iberia Southern Drainage Canal and its ancillary waters, Rodere Canal, Port Canal, and Commercial Canal, (Subsegment 060904) as man-made water bodies in accordance with LAC 33:IX.1105 and 1109.C.2. Site-specific criteria have been developed for dissolved oxygen (DO) and bacteria (BAC) to support the reclassification. Revised designated uses are listed in LAC 33:IX.1123.Table 3. The appropriate dissolved oxygen criteria for this subsegment are 3.0 mg/L November through April, and 2.0 mg/L May through October. General and numerical criteria not specifically excepted in LAC 33:IX.1123.Table 3 shall apply. This action is required to establish appropriate and protective criteria for Subsegment 060904. A site-specific Use Attainability Analysis (UAA) was conducted in accordance with state and federal water quality regulations, policies, and guidance to develop the appropriate uses and site-specific criteria for these water bodies.

UAAs are conducted by the department to determine the uses and criteria an individual water body can attain. According to the regulations, a UAA is defined as a structured scientific assessment of the factors (chemical, physical, biological, and economic) affecting the attainment of designated uses in a water body. (See 40 CFR 131.3(g) and LAC 33:IX.1105.) The UAA process is described in 40 CFR 131.10 and LAC 33:IX.1109.B.3. It entails the methodical collection of data that is then scientifically analyzed and summarized and used to establish site-specific uses and criteria. The basis and rationale for this rule are to establish site-specific uses for Subsegment 060904 and site-specific criteria for dissolved oxygen (DO) and bacteria (BAC) supportive of the uses.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on September 24, 2004, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ056. Such comments must be received no later than October 1, 2004, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Environmental Planning Division, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to FAX (225) 219-3582 or by e-mail to [judith.schuerman@la.gov](mailto:judith.schuerman@la.gov). This

proposed regulation is available on the Internet at <http://www.deq.louisiana.gov/planning/regs/index.htm>. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ056.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.  
Assistant Secretary

**Title 33****Environmental Quality****Part IX. Water Quality****Subpart 1. Water Pollution Control****Chapter 11. Surface Water Quality Standards****§1123. Numerical Criteria and Designated Uses**

A. – C.2. ...

3. Designated Uses. The following are the category definitions of ~~D~~designated ~~U~~uses that are used in Table 3 under the subheading “Designated Uses.”

A – Primary Contact Recreation

B – Secondary Contact Recreation

C – Fish and Wildlife Propagation

L – Limited Aquatic Life and Wildlife Use

D – Drinking Water Supply

E – Oyster Propagation

F – Agriculture

G – Outstanding Natural Resource Waters

Numbers in brackets, e.g. [1], refer to endnotes listed at the end of the table.

Table 3. Numerical Criteria and Designated Uses									
A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish and Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Criteria						
* * * [See Prior Text in 010101 – 050901]									
Vermillion-Teche River Basin (06)									
* * * [See Prior Text in 060101 – 060903]									
060904	New Iberia Southern Drainage Canal–Origin to Weeks Bay, including Rodere Canal, Commercial Canal, and Port Canal (Estuarine)	A B C L [24]	N/A	N/A	4.0 [24]	6.5 - 9.0	4 [24]	35	N/A
* * * [See Prior Text in 060906 – 120806]									

## ENDNOTES:

[1] – [23]...

[24] Designated Man-Made Water Bodies; Seasonal DO Criteria: 3.0 mg/L November-April, 2.0 mg/L May-October; Rodere Canal and Commercial Canal have BAC 2; Port Canal and New Iberia Southern Drainage Canal have BAC 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 20:431 (April 1994), LR 20:883 (August 1994), LR 21:683 (July 1995), LR 22:1130 (November 1996), LR 24:1926 (October 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2405 (December 1999), LR 27:289 (March 2001), LR 28:462 (March 2002), LR 28:1762 (August 2002), LR 29:1814, 1817 (September 2003), LR 30:1474 (July 2004), LR 30:

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES LOG #: WQ056**

Person

Preparing

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Dept.:

Environmental Quality

Office:

Environmental Assessment

Return

Address: P.O. 4314  
Baton Rouge, La 70821-4314

Rule

Title: Reclassification of New Iberia  
Southern Drainage Canal and its  
ancillary waters  
(LAC 33.IX.1123.Table 3)

Date Rule

Takes Effect: Upon Promulgation

**SUMMARY**

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

No significant effect of this proposed rule on state or local governmental expenditures is anticipated. However, discharges to the affected water body could benefit in the future by not needing to expend funds to protect for a more stringent use that was determined inappropriate by a use attainability analysis.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

No significant effect on state or local governmental revenue collections is anticipated.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

No significant costs and/or economic benefits to directly affected persons or non-governmental groups are anticipated. However, discharges to the affected water body could benefit in the future by not needing to expend funds to protect for a more stringent use that was determined inappropriate by a use attainability analysis.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

No significant effect on competition or employment is anticipated.

\_\_\_\_\_  
Signature of Agency Head or Designee

Wilbert F. Jordan, Jr., Assistant Secretary

Typed Name and Title of Agency Head  
or Designee

\_\_\_\_\_  
LEGISLATIVE FISCAL OFFICER OR DESIGNEE

\_\_\_\_\_  
Date of Signature

LFO 7/1/94

\_\_\_\_\_  
Date of Signature

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The rule reclassifies the New Iberia Southern Drainage Canal and its ancillary waters, Rodere Canal, Port Canal, and Commercial Canal, Subsegment 060904, as man-made water bodies in accordance with LAC 33:IX.1105. and 1109.C.2. Site-specific criteria have been developed for dissolved oxygen (DO) and bacteria (BAC) to support the reclassification. Revised designated uses are listed in LAC 33:IX.1123.Table 3. General and numerical criteria not specifically excepted in LAC 33:IX.1123.Table 3 shall apply.

- B. Summarize the circumstances that require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

This action is required to establish appropriate uses and protective dissolved oxygen and bacteria criteria for Subsegment 060904 in LAC 33:IX.1123.Table 3. A site-specific use attainability analysis was conducted in accordance with state and federal water quality regulations, policies, and guidance to develop appropriate site-specific criteria for these water bodies.

- C. Compliance with Act II of the 1986 First Extraordinary Session  
(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The proposed rule will not result in any increase in the expenditure of funds by the state.

- 2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

- (a) \_\_\_\_\_ Yes. If yes, attach documentation.  
(b) \_\_\_\_\_ No. If no, provide justification as to why this rule change should be published at this time.

The question is not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT****WORKSHEET****I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED**

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

No significant increase/decrease in costs to implement this rule is anticipated.

COSTS	FY 04-05	FY 05-06	FY 06-07
PERSONAL SERVICES	0	0	0
OPERATING EXPENSES	0	0	0
PROFESSIONAL SERVICES	0	0	0
OTHER CHARGES	0	0	0
EQUIPMENT	0	0	0
TOTAL	0	0	0
MAJOR REPAIR & CONSTR.	0	0	0
POSITIONS(#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

This is not applicable.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 04-05	FY 05-06	FY 06-07
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
DEDICATED	0	0	0
FEDERAL FUNDS	0	0	0
OTHER (Specify)	0	0	0
TOTAL	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The Department currently has sufficient funds to implement the amendment.



**B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.**

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

No significant impact is anticipated on local governmental unit, including adjustments in workload and paperwork requirements.

2. Indicate the sources of funding of the local governmental unit that will be affected by these costs or savings.

No significant effect on any sources of funding of local governmental units is anticipated to result from the implementation of the proposed rule.

**FISCAL AND ECONOMIC IMPACT STATEMENT****WORKSHEET****II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS**

- A. What increase (decrease) in revenues can be anticipated from the proposed action?  
No significant increase or decrease in revenues is anticipated.

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REVENUE INCREASE/DECREASE	FY 04-05	FY 05-06	FY 06-07
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
RESTRICTED FUNDS*	0	0	0
FEDERAL FUNDS	0	0	0
LOCAL FUNDS	0	0	0
TOTAL	0	0	0

\*Specify the particular fund being impacted.

- B. Provide a narrative explanation of each increase or decrease in revenues shown in "A."  
Describe all data, assumptions, and methods used in calculating these increases or decreases.  
This is not applicable.

**III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS**

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

No significant effect on directly affected persons or non-governmental groups is anticipated.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

No significant impact on receipts and/or income is anticipated.

**IV. EFFECTS ON COMPETITION AND EMPLOYMENT**

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

No significant impact is anticipated on competition or employment in the public or private sector.